

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

:

v.

:

CR No. 00-08L

:

DAVID EAD

:

**MEMORANDUM AND ORDER**

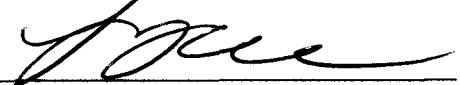
In this matter, Defendant, David Ead filed two *pro se* Motions for Court Appointed Legal Counsel as well as a Financial Affidavit. (Documents No. 13 and 14). The Motions have been referred to me for determination. 28 U.S.C. § 636(b)(1)(A); Local R. 32(b). In the Motions, Defendant requests that the Court appoint him counsel so that he may pursue a reduction in his court-ordered restitution. Defendant represents that “[a]fter several conversations with Providence Tax Officials, we are of the opinion that, with proper legal help, I can make a compelling case for a reduction in my \$60,000.00 restitution” presumably on hardship grounds.

The Motions contain information regarding Defendant’s finances, including a statement of financial hardship and medical bills. Upon the Court’s direction, Defendant filed a Financial Affidavit, in which he reported monthly income of \$2,200.00, ownership of a commercial building valued at \$350,000.00 and a business valued at \$125,000.00 Based on the income and assets reported in Defendant’s Financial Affidavit, Defendant’s financial situation does not warrant the appointment of counsel. Further, Defendant previously plead guilty in this case, and is seeking court-appointed counsel only to assist in petitioning the Court to reduce his restitution, and not to appeal or otherwise challenge the constitutionality or legality of his sentence. At this stage,

therefore, Defendant does not have a constitutional right to a court-appointed attorney, and, for these reasons, Defendant's Motions (Documents No. 13 and 14) are DENIED.

So ordered.

ENTER:

  
LINCOLN D. ALMOND  
United States Magistrate Judge  
September 30, 2005

BY ORDER:

  
Deputy Clerk